

REMARKS

A. The Section 102 Rejections

Applicant thanks the Examiner for withdrawing the rejections of claims 1-25 under 35 U.S.C. §102(a).

B. The Section 103 Rejections

Claims 1-25 were rejected under 35 U.S.C. §103(a) based on U. S. Patent Publication No. 2003/0063613 to Carpini et al (“Carpini”) in combination with U.S. Patent No. 6,895,008 to Enoki et al (“Enoki”). Applicant disagrees and traverses these rejections for at least the following reasons.

Each of the claims of the present invention includes the feature of, among other things, the use of a switch-over message to re-route traffic traveling along a bi-directional LSP. Neither Carpini nor Enoki discloses or suggests the use of such a switch-over message.

As the Applicant presently understands the Examiner’s position, the Examiner relies upon Carpini for the disclosure of the claimed switch-over message.

Contrary to the Examiner’s position, however, Carpini does not disclose a switch-over message that is used to re-route traffic. The excerpts cited in the Office Action (paragraph 47, lines 15-19) appear to relate to the detection of a “fault indication” message, not a switch-over message. The former relates to fault detection; the latter relates to the re-routing of traffic along an alternative, bi-directional LSP in a backwards direction.

In the Office Action the Examiner nonetheless states that Carpini's "fault indication signal" can be interpreted as a switch over message in a "broad interpretation". Applicant disagrees. Though claims may be interpreted broadly, any interpretation must be reasonable in light of the specification, *In re Hyatt*, 54 USPQ2d 1664, 1667 (Fed.Cir. 2000).

According to the specification, a switch-over message is transmitted by an originating network device along an alternate path in a forward direction to a merging network device responsible for re-routing traffic traveling along a bi-directional LSP in a backward direction. In sum, the switch-over message does not identify a fault; rather it is used by a merging network device to re-route traffic. It is, therefore, unreasonable to interpret a fault indication message as a switch-over message.

Because the combination of Carpini and Enoki does not disclose or suggest the claimed switch-over message, the Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-25.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By: /John E. Curtin/
John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330